

---

## **OLR Bill Analysis**

### **sSB 4**

#### ***AN ACT CONCERNING EARLY VOTING.***

#### **SUMMARY:**

This bill establishes early, in-person voting starting on the eighth day before regular state elections. Generally, it requires state election laws concerning (1) election official training; (2) absentee ballot custody, control, and counting; and (3) the voting process to apply as nearly as possible to early voting. It also institutes new procedures and requirements.

The bill requires the secretary of the state and registrars of voters to ensure that no elector stands in line to vote longer than 15 minutes for any state or municipal election or primary. It does not specify what happens if an elector waits for more than 15 minutes.

The bill also makes technical changes.

EFFECTIVE DATE: January 1, 2014 (see COMMENT)

#### **LOCATION, VOTING HOURS, & NOTICE**

Starting on the eighth day before a regular state election, the bill requires municipalities to allow early voting in the town hall or another municipal building. Election officials must permit early voting during all hours that the municipal office building is open (see COMMENT). During the eight-day period, they must also permit early voting (1) until at least 8:00 p.m. on one or more of the days and (2) on at least one weekend day from 9:00 a.m. until 5:00 p.m.

The bill requires town clerks to notice the early voting period, together with the regular election notice required by law. Rather than placing the notice in a general circulation newspaper between five and 15 days before the election, they must place it between five and 15 days before the early voting period.

## **ELECTION OFFICIALS**

The bill requires early voting election officials to be selected according to, and subjected to, the same requirements that the law sets for officials who work on Election Day. This means that, among other things:

1. each election official must take an oath pledging to faithfully perform his or her duties;
2. moderators and alternate moderators must be certified by the secretary of the state;
3. registrars must appoint election officials, including head and alternate moderators, at least 20 days before the early voting period; and
4. registrars and head moderators must train other election officials before the early voting period.

Presumably, early voting election officials are moderators, official checkers, challengers, voting tabulator tenders, ballot clerks, and registrars of voters or assistant registrars. It is unclear whether they include unofficial checkers, whom by law, registrars may appoint up to 48 hours before an election.

## **PROCEDURES**

The bill requires that state election laws concerning absentee ballots and the voting process apply as nearly possible to early voting procedures. In addition, it requires that:

1. electors receive the appropriate ballot for the voting district in which they vote;
2. registrars ensure there are a sufficient number of ballots to provide each elector with the appropriate ballot;
3. electors place their voted ballots in a secured ballot depository receptacle;

4. registrars transport the depository receptacle, at a time they designate and notice to election officials, to the place where absentee ballots are counted (district or central);
5. early voting ballots be counted at the designated location after the polls close on election day;
6. the head moderator's return shows the number of early voting ballots the municipality receives;
7. registrars seal a copy of the vote tally, together with the early voting ballots, in a depository envelope; and
8. registrars preserve the depository envelope for 180 days.

Finally, the bill prohibits the same activities in or near the early voting location as the law prohibits in or near a polling place. This means no one can be within 75 feet of the entrance to the building or in any hallway or other approach to it to solicit support for, or opposition to, a candidate or ballot question; loiter; peddle; or offer advertising material or circulars.

## **COMMENTS**

### ***Effective Date***

The bill requires municipalities to hold early voting sessions for regular state elections occurring on and after January 1, 2014. However, the state constitution currently sets the first Tuesday after the first Monday in November in specified years as the day of election for legislative and statewide offices (Article Third, § 8 and Article Fourth, § 1). With one exception, it requires electors to gather at a meeting on this day to elect General Assembly members and state officers (Article Third, § 9 and Article Fourth, § 4). Thus, it appears the state constitution would need to be amended before early voting could take place (see Related Bills).

### ***Differential Voting Hours***

The bill does not establish uniform statewide early voting hours and thus, may raise an issue under the equal protection clause (U.S. Const.

amend. XIV, § 1 and Conn. Const. Article First, § 20). There may be significant variation among municipalities, depending on the buildings they use, in the number of hours electors may access early voting.

## **BACKGROUND**

### ***Related Bills***

HJ 36 (File 44), which passed the House, proposes a constitutional amendment to (1) eliminate the requirement for electors to gather on Election Day to cast votes for state officers and General Assembly members and (2) remove restrictions on absentee voting

sSB 729, favorably reported by the Government Administration and Elections Committee, establishes a municipal early voting pilot program.

## **COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable

Yea 9      Nay 5      (04/05/2013)